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EXAMINER	
SYKES, ALTREV C	
ART UNIT	PAPER NUMBER
1794	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/599,721	ABED ET AL.	
	Examiner	Art Unit	
	ALTREV C. SYKES	1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *20080318, 20070912*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The terms "low fiber titer", "high optical and physical opacity", and "low weight per unit area" in claim 1 are relative terms which renders the claim indefinite. The terms are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

4. The term "low penetration" in claim 11 is a relative term which renders the claim indefinite. The term is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

5. Regarding claims 3, 5, 6, 7, 8, 12, 13 and 15 a broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the

metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). For example, in the present instance, claim 3 recites the broad recitation of fiber titers in the range of 0.5 dtex to 5 dtex, and the claim also recites preferably between 1.4 dtex and 3.5 dtex which is the narrower statement of the range/limitation. It is noted that claims 5, 6, 7, 8, 12, 13, and 15 also comprise this type of broad recitation followed by narrow language with respect to value ranges. However, claim 9 recites the broad recitation of polyolefins, PA, or polyester, and the claim also recites preferably polypropylene which is the narrower statement of the limitation.

6. Claims 16-18 recite the limitation "the spunbond fleece". There is insufficient antecedent basis for this limitation in the claim since the claims are noted to be independent and therefore each claim is referring to a spunbond fleece not previously defined.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 2, 4, 5-10 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (US 2004/0029469).

Regarding claims 1, 2, 6, and 9 Anderson et al. discloses a composite sheet material which is permeable to moisture vapor but which forms a barrier to the passage of water. (See [0002]) Anderson et al. discloses the composite sheet material includes a nonwoven substrate. (See [0009]) Anderson et al. discloses in one embodiment, the nonwoven substrate comprises a spunbonded nonwoven fabric formed of randomly disposed substantially continuous polypropylene filaments. The spunbonded nonwoven fabric is an area bonded fabric in which the filaments are bonded to one another throughout the fabric at locations where the randomly disposed filaments overlie or cross one another. (See [0010]) As such, examiner notes that outside a showing to the contrary, the spunbonded fabric of Anderson et al. would also contain polymer fibers having a preferred direction (i.e. random). Anderson et al. discloses spunbond nonwoven fabrics are formed by extruding molten thermoplastic material such as polypropylene and polyester. (See [0022]) Examiner notes that, absent a showing to the contrary, one of ordinary skill in the

art at the time of the invention would readily expect for the spunbond nonwoven fabrics of polymer fibers as taught by Anderson et al. to exhibit a low fiber titer since the method of making and materials used are substantially the same as that claimed by applicant. *In re Fitzgerald* 205 USPQ 594. Anderson et al. discloses the polymer composition also preferably contains a pigment to render the nonwoven fabric opaque. (See [0023]) Anderson et al. discloses cross-sectional configurations such as trilobal or multilobal cross-sections can be employed for the fibers or filaments, if desired. (See [0023]) Anderson et al. discloses the nonwoven fibrous substrate may have a basis weight of 50 g/m^2. (See [0024]) Examiner notes that claim 6 defines the low weight per area of claim 1 as being between 7 g/m^2 and 50 g/m^2, therefore the weight per unit area as taught by Anderson et al. would also be considered as low. In addition, the presently claimed properties would inherently have been present once the Anderson product is provided. Note *In re Best*, 195 USPQ at 433, footnote 4 (CCPA 1977).

Regarding claim 4, Examiner maintains the position as set forth above that the spunbonded nonwoven fabric of Anderson et al. would also contain polymer fibers having a preferred direction since the direction of the fibers would readily be a result of the chosen spunbonding process. Regarding the additional limitation that the polymer fibers are along and transverse to the machine direction, examiner notes that applicant discloses fleeces which are produced according to a spunbond process in which the spun fibers are laid, directly after they are spun, on a transport belt, where they form a fleece, are well known according to the state of the art. (See instant specification pg. 1, 2nd

paragraph) Therefore, one of ordinary skill in the art at the time of the invention would have readily expected for the spunbond process of Anderson to provide a fleece having the preferred direction as claimed by applicant.

Regarding claim 5, Anderson et al. discloses the polymer composition also preferably contains a pigment to render the nonwoven fabric opaque. (See [0023]) While Anderson et al. does not explicitly disclose a measurement for optical opacity as claimed by applicant, it is noted that Anderson discloses a substantially similar spunbonded fabric structure as that claimed. Specifically, applicant discloses the light permeability of the fleece is reduced with the use of trilobal fibers. (See instant specification pg. 7, 1st paragraph) Anderson et al. discloses the fibers or filaments may be trilobal if desired. (See [0023]) Therefore, one of ordinary skill in the art at the time of the invention would have readily expected for the spunbonded fabric as taught by Anderson to exhibit the claimed optical opacity since the fiber requirement as set forth by applicant is disclosed.

Regarding claims 7 and 8, Anderson et al. teaches the claimed invention above but fails to teach a measurement for physical opacity relative to the weight per unit area whether measured as sieve residue or air permeability. It is reasonable to presume that the physical opacity relative to the weight per unit area is inherent to Anderson. Support for said presumption is found in the use of like materials and/or like methods which would result in the claimed property. It is noted that Anderson discloses a substantially similar spunbonded fabric structure as that claimed by applicant. Additionally, examiner notes

that applicant does not disclose any additional steps that would be required for the spunbond fleece to exhibit the claimed properties but instead discloses that producing such a fabric would be well known in the art. (See instant specification pg. 1, 2nd paragraph) The burden is upon the Applicant to prove otherwise. *In re Fitzgerald* 205 USPQ 594. In addition, the presently claimed properties would inherently have been present once the Anderson product is provided. Note *In re Best*, 195 USPQ at 433, footnote 4 (CCPA 1977).

Regarding claim 10, Anderson et al. discloses the composite sheet material includes a nonwoven substrate and an extrusion-coated polyolefin film layer overlying one surface of the substrate. (See [0009]) Anderson et al. discloses the film layer suitably comprises a polyolefin polymer.(See [0011]) Anderson et al. discloses the film layer 12 has a strong adherence to the nonwoven fibrous substrate 11, such that the film layer and the substrate are not subject to delamination but instead are structurally combined with one another to form a composite material. (See [0018]) Therefore, examiner equates the film layer as taught by Anderson et al. to the coating with an adhesive as claimed by applicant.

Regarding claim 14, Anderson et al. discloses typically additives are incorporated in the thermoplastic filaments or fibers of the substrate at conventional levels, e.g., on the order of about 0.5 to 2% by weight. (See [0023]) Anderson et al. also discloses if a white color is desired, titanium dioxide pigment can be used at comparable levels, or blends of

titanium dioxide with carbon black or with other colored pigments could be employed. (See [0023])

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1, 2, 4, 5-10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 2004/0029469) in view of Groitzsch et al. (US 6,448,462). This rejection maintains the position that the Anderson et al. prior art is deemed relevant to the instant claims; however, the position taken below is in the alternative of that set forth above.

Regarding claims 1, 2, 6, and 9 Anderson et al. discloses a composite sheet material which is permeable to moisture vapor but which forms a barrier to the passage of water. (See [0002]) Anderson et al. discloses the composite sheet material includes a nonwoven substrate. (See [0009]) Anderson et al. discloses in one embodiment, the nonwoven substrate comprises a spunbonded nonwoven fabric formed of randomly disposed substantially continuous polypropylene filaments. The spunbonded nonwoven fabric is an area bonded fabric in which the filaments are bonded to one another throughout the fabric at locations where the randomly disposed filaments overlie or cross one another. (See [0010]) As such, examiner notes that outside a showing to the contrary, the spunbonded fabric of Anderson et al. would also contain polymer fibers having a preferred direction (i.e. random). Anderson et al. discloses spunbond nonwoven fabrics are formed by extruding molten thermoplastic material such as polypropylene and polyester. (See [0022]) Anderson et al. discloses the polymer composition also preferably contains a pigment to render the nonwoven fabric opaque. (See [0023]) Anderson et al. discloses cross-sectional configurations such as trilobal or multilobal cross-sections can be employed for the fibers or filaments, if desired. (See [0023]) Anderson et al. discloses the nonwoven fibrous substrate may have a basis weight of 50 g/m^2. (See [0024]) Examiner notes that claim 6 defines the low weight per area of claim 1 as being between 7 g/m^2 and 50 g/m^2, therefore the weight per unit area as taught by Anderson et al. would also be considered as low. Anderson et al. discloses all of the claim limitations as set forth below but the reference is not explicit to a low fiber titer.

Groitzsch et al. discloses a microfilament nonwoven fabric with a mass per unit area of 30 to 150 g/m^2 having a titer of 1.5 to 5 dtex for the continuous multicomponent filaments therein. (See Abstract) Examiner therefore equates the titer as taught by Groitzsch et al. to a low fiber titer as claimed by applicant. (See Claims 1 and 3) Groitzsch et al. discloses that the nonwoven fabric has high gas and water vapor permeability. (See Col 1, lines 30-36) Groitzsch et al. discloses a particularly advantageous is one in which the continuous multicomponent filament composed of polyesters together with polypropylene, polyethylene, and polyamide 6. (See Col 1, lines 64-67 and Col 2, lines 1-8) Groitzsch et al. discloses the nonwoven material may be spunbonded. (See Example 1).

As Anderson et al. and Groitzsch et al. are both directed to spunbonded nonwoven fabrics of polymeric materials, the art is analogous. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention motivated by expected success to utilize the titer as taught by Groitzsch et al. for the polymer fibers in the nonwoven of Anderson et al. since Groitzsch et al. teaches that the low fiber titer is favorable for achieving high water vapor permeability, which is also a goal of Anderson. (See Groitzsch et al. Col 1, lines 30-36 and Anderson [0002])

Regarding claim 4, Examiner maintains the position as set forth above that the spunbonded nonwoven fabric of Anderson et al. would also contain polymer fibers having a preferred direction since the direction of the fibers would readily be a result of

the chosen spunbonding process. Regarding the additional limitation that the polymer fibers are along and transverse to the machine direction, examiner notes that applicant discloses fleeces which are produced according to a spunbond process in which the spun fibers are laid, directly after they are spun, on a transport belt, where they form a fleece, are well known according to the state of the art. (See instant specification pg. 1, 2nd paragraph) Therefore, one of ordinary skill in the art at the time of the invention would have readily expected for the spunbond process of Anderson to provide a fleece having the preferred direction as claimed by applicant.

Regarding claim 5, Anderson et al. discloses the polymer composition also preferably contains a pigment to render the nonwoven fabric opaque. (See [0023]) While Anderson et al. does not explicitly disclose a measurement for optical opacity as claimed by applicant, it is noted that modified Anderson discloses a substantially similar spunbonded fabric structure as that claimed. Specifically, applicant discloses the light permeability of the fleece is reduced with the use of trilobal fibers. (See instant specification pg. 7, 1st paragaraph) Anderson et al. discloses the fibers or filaments may be trilobal if desired. (See [0023]) Therefore, one of ordinary skill in the art at the time of the invention would have readily expected for the spunbonded fabric as taught by modified Anderson to exhibit the claimed optical opacity. Additionally, it would have been obvious to one of ordinary skill in the art at the time of the invention motivated by expected success of creating an opaque fabric to choose trilobal fibers since Anderson discloses favorable results would be obtained.

Regarding claims 7 and 8, examiner maintains the position as set forth above for modified Anderson. While modified Anderson et al. does not explicitly disclose a measurement for physical opacity relative to the weight per unit area as claimed by applicant, it is noted that modified Anderson discloses a substantially similar spunbonded fabric structure as that claimed. Additionally, examiner notes that applicant does not disclose any additional steps that would be required for the spunbond fleece to exhibit the claimed properties but instead discloses that producing such a fabric would be well known in the art. (See instant specification pg. 1, 2nd paragraph) Examiner also notes that both references are directed to providing vapor permeability.

Therefore, one of ordinary skill in the art at the time of the invention would have readily expected for the spunbonded fabric as taught by modified Anderson to exhibit the claimed physical opacity whether measured as sieve residue or air permeability.

Regarding claim 10, Anderson et al. discloses the composite sheet material includes a nonwoven substrate and an extrusion-coated polyolefin film layer overlying one surface of the substrate. (See [0009]) Anderson et al. discloses the film layer suitably comprises a polyolefin polymer.(See [0011]) Anderson et al. discloses the film layer 12 has a strong adherence to the nonwoven fibrous substrate 11, such that the film layer and the substrate are not subject to delamination but instead are structurally combined with one another to

form a composite material. (See [0018]) Therefore, examiner equates the film layer as taught by Anderson et al. to the coating with an adhesive as claimed by applicant.

Regarding claim 14, Anderson et al. discloses typically additives are incorporated in the thermoplastic filaments or fibers of the substrate at conventional levels, e.g., on the order of about 0.5 to 2% by weight. (See [0023]) Anderson et al. also discloses if a white color is desired, titanium dioxide pigment can be used at comparable levels, or blends of titanium dioxide with carbon black or with other colored pigments could be employed. (See [0023])

12. Claims 11-13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 2004/0029469) in view of Groitzsch et al. (US 6,448,462) as set forth above, and further in view of Wehner et al. (US 6,063,981).

Regarding claims 11 and 13, modified Anderson et al. discloses all of the claim limitations as set forth above, but the reference does not specifically disclose the fabric has a low penetration of adhesive in the amount between 0.5 g/m^2 and 10 g/m^2.

Wehner et al. discloses a disposable absorbent product comprising a nonwoven material, such as a breathable film which exhibits desirable aesthetic properties and an adhesive which exhibits unique rheological properties. (See Col 2, lines 34-41) Wehner et al. discloses the use of such an adhesive results in a reduced visibility of the adhesive

through the outer sheets of the absorbent product. (See Col 1, lines 8-11) Wehner et al. discloses exemplary materials suitable for use as the topsheet are liquid-permeable materials, such as spunbonded polypropylene. (See Col 4, lines 1-4) Wehner et al. discloses the adhesive is contacted with a breathable film/nonwoven laminate. (See Col 4, lines 9-11) Wehner et al. discloses the film layer suitably comprises a polyolefin polymer. (See Col 5, lines 14-30) Wehner et al. discloses the adhesive will be applied to a substrate in an amount that is beneficially between about 0.5 gram to about 10 grams per square meter of applied surface area of the adhesive. (See Col 11, lines 30-35) Wehner et al. discloses further, if the adhesive is present in a disposable absorbent product in too small of an amount, the disposable absorbent product will generally exhibit poor integrity or tensile strength. In contrast, if the adhesive is present in a disposable absorbent product in too large of an amount, the disposable absorbent product may more readily exhibit adhesive staining, more readily exhibit heat degradation of a topsheet or backsheet substrate, or be more expensive to manufacture due to the use of an amount of the adhesive that is greater than is really needed. (See Col 11, lines 16-29)

As modified Anderson and Wehner et al. are both directed to the use of spunbonded polypropylene fabrics in articles, the art is analogous. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a low penetration of adhesive as taught by Wehner et al. for the nonwoven fabric as disclosed by modified Anderson motivated by expected success and the desire to provide a nonwoven material that has reduced visibility of the adhesive in the final article

produced. (See Col 1, lines 8-11) Further, it would have been obvious to one of ordinary skill in the art at the time of the invention motivated by expected success to tailor the amount and type of adhesive as taught by Wehner et al. to that as claimed by applicant for use in the nonwoven fabric of modified Anderson in order to provide a nonwoven fabric of particular intended use as a substrate for a disposable product.

Regarding claim 12, modified Anderson et al. discloses all of the claim limitations as set forth above, but the reference does not specifically disclose a dynamic viscosity for the adhesive.

Wehner et al. discloses a bonding agent or tackifying agent is used to permit bonding of the film layer to a nonwoven layer. Generally, examples of bonding agents include, but are not limited to, polyamides, ethylene copolymers such as ethylene vinyl acetate, ethylene ethyl acrylate, ethylene acrylic acid, ethylene methyl acrylate and ethylene normal-butyl acrylate, wood rosin and its derivatives, hydrocarbon resins, polyterpene resins, atactic polypropylene and amorphous polypropylene. Also included are predominately amorphous ethylene propylene copolymers commonly known as ethylene-propylene rubber and a class of materials referred to as toughened polypropylene and olefinic thermoplastic polymers where ethylene-propylene rubber is mechanically dispersed or molecularly dispersed via in-reactor multistage polymerization in polypropylene or polypropylenelpolyethylene blends. (See Col 5, lines 14-30)

Examiner notes that applicant's disclosure of an adhesive is very brief. (See pg. 7, 3rd paragraph) As such, it is noted that there is no mention of an adhesive in either of the provided examples of applicant and there are no additional steps disclosed which would be required for tailoring the adhesive to have the properties as claimed by applicant. Therefore, it would have been well within the ordinary skill of one in the art at the time of the invention to utilize the teaching of Wehner et al. for bonding and tackifying agents in order to provide an adhesive as claimed by applicant motivated by expected success of producing an article comprising a nonwoven material with a favorable adhesive thereon.

Regarding claim 15, Anderson et al. discloses typically additives are incorporated in the thermoplastic filaments or fibers of the substrate at conventional levels, e.g., on the order of about 0.5 to 2% by weight. (See [0023]) Anderson et al. also discloses if a white color is desired, titanium dioxide pigment can be used at comparable levels, or blends of titanium dioxide with carbon black or with other colored pigments could be employed. (See [0023])

Wehner et al. discloses both organic and inorganic fillers are contemplated provided that they do not interfere with the film formation process, the breathability of the resultant film or, if desired, its ability to thermally bond to a fibrous polyolefin nonwoven web. Examples of fillers include calcium carbonate ($CaCO_3$), and titanium dioxide. (See Col 5, lines 1-14)

Therefore, it would have been obvious to one of ordinary skill in the art motivated by expected success to utilize the additives as claimed by applicant since the prior art teaches doing so would be favorable depending on the intended use of the final product.

Regarding claim 16, Wehner et al. discloses exemplary materials suitable for use as the topsheet of the disposable absorbent article are liquid-permeable materials, such as spunbonded polypropylene. (See Col 4, lines 1-4) Therefore, the limitation of a spunbond fleece used in a hygiene product is met by the prior art.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pike et al. (US 5,597,645)

Regarding claim 17, Pike et al. discloses a filter medium for gaseous fluids, comprising a nonwoven web. (See Col 1, lines 4-6) Pike et al. discloses as a particularly desirable embodiment, the filter media are produced from a nonwoven web of crimped spunbond conjugate filaments. (See Col 3, lines 57-59)

As such, examiner notes that the claim limitations are met by the prior art since the use of a spunbond fabric for a filter material is taught.

14. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langley. (US 5,560,974)

Regarding claim 18 Langley discloses a breathable nonwoven composite fabric having capabilities for providing permeation of water vapor while simultaneously providing a barrier against passage of water-based fluids. (See Abstract and Col 21-23) Langley discloses it is known that the use of materials as cloth laminates require permeability of water vapor while substantially blocking liquid water. (See Col 1, lines 62-65) Langley discloses the non-woven layers are preferably spun-bonded providing strength to the composite fabric along with a cloth-like surface texture which enhances the use of the fabric for garments. (See Col 6, lines 3-10)

As such, one of ordinary skill in the art at the time of the invention would have been easily motivated by expected success to utilize the spun-bonded composite fabric as a household cloth.

15. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALTREV C. SYKES whose telephone number is (571)270-3162. The examiner can normally be reached on Monday-Thursday, 8AM-5PM EST, alt Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ACS/
Examiner
8/20/09

/D. Lawrence Tarazano/
Supervisory Patent Examiner, Art Unit 1794